

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

FAIR ISAAC CORPORATION, a Delaware corporation,)	Case No. 16-cv-1054 (DTS)
)	
)	
Plaintiff,)	
)	
v.)	
)	
FEDERAL INSURANCE COMPANY, an Indiana corporation and ACE)	
AMERICAN INSURANCE COMPANY, a Pennsylvania corporation,)	
)	
Defendants.)	

**DECLARATION OF HEATHER KLIEBENSTEIN IN SUPPORT OF PLAINTIFF
FAIR ISAAC CORPORATION'S MOTION TO AMEND OR MODIFY
JUDGMENT UNDER FED. R. CIV. P. 59(E)**

I, Heather Kliebenstein, hereby declare as follows:

1. I am a shareholder with the law firm of Merchant & Gould P.C., counsel for Plaintiff Fair Isaac Corporation (“FICO”) in this litigation. I submit this declaration in support of FICO’s Motion to Amend or Modify Judgment Under Fed. R. Civ. P. 59(e). I have personal knowledge of the facts stated herein and, if called as a witness, could and would testify competently hereto.

2. Attached hereto as Exhibit 1 is a true and correct copy of Trial Exhibit D-0208.

(FILED UNDER SEAL)

3. Attached hereto as Exhibit 2 is a true and correct copy of Trial Exhibit P-0418.

(FILED UNDER SEAL)

4. Attached hereto as Exhibit 3 is a true and correct copy of Trial Exhibit J-001.

(FILED UNDER SEAL)

5. Attached hereto as Exhibit 4 is a true and correct copy of the demonstrative used and relied on by Christopher Patrick Ivey at trial. (FILED UNDER SEAL)

6. Attached hereto as Exhibit 5 is a true and correct copy of Trial Exhibit P-0218.

(FILED UNDER SEAL)

7. Attached hereto as Exhibit 6 is a true and correct copy of Trial Exhibit P-0151.

(FILED UNDER SEAL)

8. Attached hereto as Exhibit 7 is a true and correct copy of Trial Exhibit P-0175.

(FILED UNDER SEAL)

9. Attached hereto as Exhibit 8 is a true and correct copy of Trial Exhibit P-1112.

(FILED UNDER SEAL)

10. Attached hereto as Exhibit 9 is a true and correct copy of Trial Exhibit P-0094.

(FILED UNDER SEAL)

11. Attached hereto as Exhibit 10 is a true and correct copy of *Live Face on Web, LLC v. Borges*, No. CV 15-9928-GHK (RAOx), 2016 U.S. Dist. LEXIS 73443, at *7 (C.D. Cal. June 3, 2016).

12. Attached hereto as Exhibit 11 is a true and correct copy of *Int'l. Decisions Sys. v. Genpact Int'l., Inc.*, No. 27-CV-17-11626, 2018 Minn. Dist. LEXIS 478 at *33-34 (July 25, 2018).

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Dated: October 9, 2023

By: /s/Heather Kliebenstein
Heather Kliebenstein